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Christopher Bernard Davies

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EXAMINER

MONFELDT, SARAH M

ART UNIT

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3692

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,360	Applicant(s) DAVIES ET AL.	
	Examiner SARAH M. MONFELDT	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>29 Feb 2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Status of Claims

1. This action is in reply to the Amendment/Response filed on 29 February 2009.
2. Claims 1-14, 16-45 are currently pending and have been examined.

Information Disclosure Statement

3. The information disclosure statement filed 29 February 2009 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim(s) 31-33 and 34-35 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim(s) 31-33, as recited, is/are directed toward a receipting system for use in a purchasing transaction comprising an input, a receipt generator, a data store, an interface. However, the specific input, receipt generator, data store, interface (physical/structural components) are not explicitly disclosed in the specification to properly define the system sought to be protected. Such an input, a receipt generator, a data store, an interface can be interpreted as computer code, per se, and are therefore unpatentable. The claims as written are directed to non-statutory subject matter, appropriate correction is required.

Art Unit: 3692

Claim(s) 34-35, as recited, is/are directed toward a payment system for use in user transactions comprising a data store and a price list processor. However, the specific data store and price list processor (physical/structural components) are not explicitly disclosed in the specification to properly define the system sought to be protected. Such a data store and a price list processor can be interpreted as computer code, per se, and are therefore unpatentable. The claims as written are directed to non- statutory subject matter, appropriate correction is required.

6. Claim(s) 36 and 37 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines. '); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').⁷ A claimed process involving a fundamental principle that uses a particular machine or apparatus would

not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article.” (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008))

Also noted in *Bilski* is the statement, “Process claim that recites fundamental principle, and that otherwise fails ‘machine-or-transformation’ test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere ‘insignificant post-solution activity.’” (*In re Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test.

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495).

In particular, a method claim must meet a specialized, limited meaning to qualify as a patent-eligible process claim. The test for a method is whether the claimed method is (1) tied to a particular machine or apparatus. In addition, mere field of use limitations or limitations reciting insignificant extra-solution activity will not transform an unpatentable process into a patentable one as the machine or transformation must

Art Unit: 3692

impose meaningful limits on the method claim's scope. This means that reciting a particular machine or transformation in an insignificant step (e.g. data gathering, outputting, displaying, receiving, and the like) will not move to make an unpatentable process patentable.

Claim (36), as recited, is directed toward a method comprising the steps of (receiving, using, receiving, authorizing). As currently written the steps recited in claim 36 are not tied to a machine, much less a significant tie to a particular machine, imposing meaningful limits. Please note that reciting a particular machine or transformation in an insignificant step (e.g. data gathering, outputting, displaying, receiving, and the like) will not move to make an unpatentable process patentable. Furthermore, the recited payment system in the authorizing step does not further require a machine and therefore, the system can include software without including a machine.

Claim (37), as recited, is directed toward a method comprising the steps of (receiving, making, generating, transmitting). As currently written the steps recited in claim 36 are not tied to a machine, much less a significant tie to a particular machine, imposing meaningful limits. Please note that reciting a particular machine or transformation in an insignificant step (e.g. data gathering, outputting, displaying, receiving, and the like) will not move to make an unpatentable process patentable.

Claim(s) 36 and 37 is/are therefore non-statutory under § 101. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 3692

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 36 is rejected under 35 U.S.C. 102(e) as being anticipated by Berardi et al. (US 7239226).

Claim 36 –

As per claim 36, Berardi et al. disclose *a method of authorising a transaction* having the limitations of:

- *receiving an identifier including identity information for a mobile device; (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*
- *using the identifier to locate a set of one or more authorisation codes for payment systems; (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*
- *receiving transaction information; (see at least col. 18, ll. 9-54 of Berardi et al.)*
- *authorising the transaction information with a payment system by use of an authorisation code from said set. (see at col. 18, ll. 51-54 “if a match is made, ..., the transaction may be allowed to be completed of Berardi et al.)*

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-7, 9-12, 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1 –

As per claim 1, Berardi et al. disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *i) at least one client device provided with an input for communicating with one or more mobile devices; (see at least Fig. 1A, "RFID reader"; col. 5, ll. 5-9 ("transponder 102 may provide the transponder identification and/or account identification to the RFID reader"); col. 5, ll. 15-16 (communicate via RF*

Art Unit: 3692

communication); col. 5, ll. 16-19 (typical devices may include, for example, a key ring, tag, card, cell phone, wristwatch or any such form...) of Berardi et al.)

- *wherein the at least one client device is adapted to receive from a mobile device a first part of the authorization data and identity information for said mobile device via its input and send said first part of the authorization data and the mobile device identity information to the at least one server; (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*

Berardi et al. do not explicitly disclose:

- *ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*

Adam et al. teach *ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data; (see at least paragraphs [0038], [0039] (“server comprises ... a database which merchants’ and customers’ details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, ...”), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] (“the customer’s and merchant’s identification details are verified with reference to the data stored in the CSC database*

Art Unit: 3692

and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorizing transactions,*

Adam et al. teach *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorizing transactions (see at least paragraphs [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, ..."), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.).* It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or

Art Unit: 3692

inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *said at least one server device being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorization data comprising the user's financial data to complete a transaction,*

Adam in view of Campisano teach *said at least one server device being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorization data comprising the user's financial data to complete a transaction ((1) see at least paragraphs [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone), [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administering server to a plurality of merchant communication units, ..."), [0128] (administering server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits"), [0168] ("[o]nce POS 52 has received the customer's (or his mobile phone) identification details in communication message 56...")*

Art Unit: 3692

of Adam et al.); (2) see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.), since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fierily quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Berardi et al. do not explicitly disclose:

- *wherein the at least one server device is provided with a user data maintenance process for storing and updating user data in the user data store.*

Shore teach *wherein the at least one server device is provided with a user data maintenance process for storing and updating user data in the user data store* (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since

Art Unit: 3692

allowing a user to update personal and financial information ensures that the users information is up to date.

Claim 2 –

As per claim 2, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein at least one set of user-specific data is stored in association with a said first part of the authorisation data. (see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*

Claim 3 –

As per claim 3, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *further comprising a list processor for processing a list of items covered by a transaction. (see at least col. 18, ll. 9-28 (“the transaction account associated with the fob may include a restriction, such as, for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use, and/or the like”) of Berardi et al.)*

Claim 4 –

As per claim 4, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 3 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

Art Unit: 3692

- *wherein the list processor is adapted to access user-specific data for use in processing a list in the course of a transaction. (see at least col. 18, ll. 9-28 ("the transaction account associated with the fob may include a restriction, such as, for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use, and/or the like") of Berardi et al.)*

Claim 5 –

As per claim 5, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 4 as described above.

Adam et al. further teach:

- *wherein the list processor is adapted to use said user-specific data to apply a discount in relation to said transaction. (see at least paragraphs [0142], [0144]-[0150] of Adam et al.)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include within the database additional information on customers preferences, special deals or discounts offered by specific merchants, etc. as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows for special discounts or sales to be transmitted to customers (see at least paragraph [0142] of Adam et al.).

Claim 6 –

As per claim 6, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

Art Unit: 3692

- *wherein the apparatus is further provided with a connection, in use, to a public network. (see at least col. 5, l. 57 through col. 6, l. 3 (ISP, cable modem, dish networks, ISDN, etc.) of Berardi et al.)*

Claim 7 –

As per claim 7, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above.

Adam et al. further teach:

- *wherein the apparatus is further provided with a receipt generator for generating transaction receipts, and the receipt generator is adapted to refer to user-specific data in generating a transaction receipt. (see at least paragraphs [0041], [0177] of Adam et al.)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include receipt or other forms of proof of purchase as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since a receipt/proof of purchase is provided to the customer for his purchase and is for the merchant's documentation (see at least paragraph [0041] of Adam et al.).

Claim 9 –

As per claim 9, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above.

Campisano further teach:

- *wherein each set of user-specific data is stored in association with a respective user identifier.*

Art Unit: 3692

Campisano teach *wherein each set of user-specific data is stored in association with a respective user identifier* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include entering of one of multiple PINs associated with a phone number and a specific credit card on as taught by Campisano on the keypad of Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano).

Claim 10 –

As per claim 10, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 9 as described above.

Campisano further teach:

- *wherein more than one user identifier may be stored in relation to at least one user, a different set of user-specific data being stored in association with each user identifier related to that user.*

Campisano teach *wherein more than one user identifier may be stored in relation to at least one user, a different set of user-specific data being stored in association with each user identifier related to that user* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would

Art Unit: 3692

correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include entering of one of multiple PINs associated with a phone number and a specific credit card on as taught by Campisano on the keypad of Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano).

Claim 11 –

As per claim 11, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above.

Campisano further teach:

- *wherein, in use, at least one set of user-specific data comprises an ordered list of funds.*

Campisano teach *wherein, in use, at least one set of user-specific data comprises an ordered list of funds* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include entering of one of multiple PINs associated with a phone number and a specific credit card on as taught by Campisano on the keypad of Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows

Art Unit: 3692

for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano).

Claim 12 –

As per claim 12, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 11 as described above. Adam et al. in view of Shore do not explicitly disclose the following limitations:

- *wherein said ordered list is sorted according to type of goods. (see at least col. 18, ll. 9-28 (“the transaction account associated with the fob may include a restriction, such as, for example, a per purchase spending limit, a time of day use, a day of week use, certain merchant use, and/or the like”) of Berardi et al.)*

Claim 38 –

As per claim 38, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to receive a first part of the authorisation data input into the mobile device in real time by a user of said mobile device. (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”), col. 3, ll. 7-8 (radio frequency) of Berardi et al.)*

Claim 39 –

As per claim 39, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

Art Unit: 3692

- *wherein the at least one client device is adapted to receive separately the first part of the authorisation data and the mobile device identity information from the mobile device. (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*

Claim 40 –

As per claim 40, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 39 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is adapted to issue a request to the mobile device requesting the mobile device identity information (see at least col. 5, ll. 3-4 (fob is interrogated by the RFID reader), col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*

Berardi et al. does not explicitly disclose:

- *requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device.*

Art Unit: 3692

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone. Moreover, the manner or method in which machine is to be utilized is not germane to issue of patentability of machine itself. As such, Berardi et al. discloses *“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104” and verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader*”, therefore disclosing the claimed apparatus. Moreover, Campisano discloses a phone number and pin are entered and sent to a database for verification (see at least col. 1, ll. 46-51; col. 2, ll. 2-25, 33-35 of Campisano). The Examiner notes at least at paragraph [0065] of Applicants published version of the Application the PIN and phone number are sent to the Tagboard server to check to see if they are registered. As presented above, Campisano sends both the PIN and phone number to a database to verify. Please note, if a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. Entering the PIN before or after the phone number has no patentable significance since entering the PIN prior to the number or after the number both result in verifying an associated account.

Claim 41 –

As per claim 41, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the first part of the authorization data comprises a user personal identity number ‘PIN’. (see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*

Art Unit: 3692

Claim 42 –

As per claim 42, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one client device is located at the point of sale 'POS'. (see at least col. 3, ll. 26-29 ("RFID reader may forward the information to a point of interaction device (e.g. POS or computer interface) for transaction completion"), col. 5, ll. 32-34 of Berardi et al.)*

Claim 43 –

As per claim 43, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 1 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one server device connects to a finance system associated with the user of the mobile device to complete the transaction. (see at least col. 18, ll. 47-54 (if a match is made, ..., and the transaction may be allowed to be completed) of Berardi et al.)*

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662) as applied to claim 7 above, further in view of Nguyen et al. (US 2003/0141361).

Claim 8 –

As per claim 8, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 7 as described above. Berardi et al. in view of Adam et al., Campisano and Shore do not explicitly disclose:

- *wherein the user-specific data includes a public network address for at least one user and the receipt generator is adapted to transmit a transaction receipt to said public network address.*

Adam et al. in view of Nguyen et al. teach *wherein the user-specific data includes a public network address for at least one user and the receipt generator is adapted to transmit a transaction receipt to said public network address* ((1) see at least paragraph [0177] of Adam et al. (“after the completion of the transaction an additional message may be communicated to the customer’s mobile phone providing him with a storable proof of purchase...”); see at least Figs. 3-4, paragraph [0018] (“transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...”, “associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...” of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include proof of purchase to a customer mobile phone as taught by Adam et al. and a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction occurs it delivers such information to the owner’s mobile device (see at least paragraph [0006] of Nguyen et al.).

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662) as applied to claims 11 above, further in view of Grunbok, Jr. et al. (US 6305603).

Claim 13 –

Art Unit: 3692

As per claim 13, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 11 as described above. Berardi et al. in view of Adam et al., Campisano and Shore do not explicitly disclose the following limitations:

- *wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete a transaction.*

Grunbok, Jr. et al. teach wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete a transaction (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

14. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Shore (US 2003/0149662) as applied to claim 40 above, further in view of Sohaei et al. (WO 02/09308).

Claim 44 –

As per claim 44, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 40 as described above. Berardi et al. in view of Adam et al., Campisano and Shore do not specifically disclose:

- *wherein in response to entry of the first part of the authorization data into the mobile phone, the mobile phone is adapted to perform a handshake operation with the client device and the client device is adapted to then issue said request*

Art Unit: 3692

to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device.

Sohaei et al. teach *wherein in response to entry of the first part of the authorization data into the mobile phone, the mobile phone is adapted to perform a handshake operation with the client device and the client device is adapted to then issue said request to the mobile device requesting the mobile device identity information in response to receiving the first part of the authorization data from the mobile device* (see at least pg. 9, ll. 19-20, 24-26, 30-31; pg. 10, ll. 1-7 of Sohaei et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include communication between a POS and a transponder in which a datalink is accomplished by continually transmitting a handshake request signal from a the base system until a signal is received from the transponder in response or the transponder continually transmitting the handshake request signal until a signal is received from the base system in response as taught by Sohaei et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since once a handshake request signal is sent and a response is received, the data link is established and allows for bidirectional data transfers between the transponder and the base system (see at least pg. 10, ll. 5-7 of Sohaei et al.).

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone. Moreover, the manner or method in which machine is to be utilized is not germane to issue of patentability of machine itself. As such, Berardi et al. discloses *“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104” and verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader*”, therefore disclosing

Art Unit: 3692

the claimed apparatus. Moreover, Campisano discloses a phone number and pin are entered and sent to a database for verification (see at least col. 1, ll. 46-51; col. 2, ll. 2-25, 33-35 of Campisano). The Examiner notes at least at paragraph [0065] of Applicants published version of the Application the PIN and phone number are sent to the Tagboard server to check to see if they are registered. As presented above, Campisano sends both the PIN and phone number to a database to verify. Please note, if a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. Entering the PIN before or after the phone number has no patentable significance since entering the PIN prior to the number or after the number both result in verifying an associated account.

Claim 45 –

As per claim 45, Berardi et al. in view of Adam et al., Campisano and Shore teach the payment apparatus of claim 44 as described above. Berardi et al., further discloses a *payment apparatus for use in authorised transactions* having the limitations of:

- wherein the client device is adapted to read the mobile device identity information from a shared memory in the mobile device via a client device contactless reader. (see at least col. 6, ll. 50-56, Fig. 2, (data memory 214), col. 7, ll. 32-33 (RFID reader is authenticated thereby providing to the RFID reader the account number stored on the FOB) of Berardi et al.)

15. Claims 14, 16-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447).

Claim 14 –

As per claim 14, Adam et al. disclose a *payment apparatus for use in authorised transactions* having the limitations of:

Art Unit: 3692

- *at least one client device provided with an input for communicating with one or more mobile devices; (see at least Fig. 1A, "RFID reader"; col. 5, ll. 5-9 ("transponder 102 may provide the transponder identification and/or account identification to the RFID reader"); col. 5, ll. 15-16 (communicate via RF communication); col. 5, ll. 16-19 (typical devices may include, for example, a key ring, tag, card, cell phone, wristwatch or any such form...) of Berardi et al.)*
- *wherein the at least one client device is adapted to receive from a mobile device identity information for said mobile device and a first part of the authorization data comprising one of a personal identification number and code specific to said personal identification number via its input and to send said first part of the authorization data to the at least one server; (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)*

Berardi et al. do not explicitly disclose:

- *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;*

Adam et al. teach *at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data (see at least paragraphs [0038], [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to*

Art Unit: 3692

facilitate communication between the administering server to a plurality of merchant communication units, ...”), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administering server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] (“the customer’s and merchant’s identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer’s account or his credit limits”) of Adam et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer’s balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *wherein the at least one server device is adapted to store said mobile device identity information and said authorization data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user’s financial data to complete a transaction.*

Adam in view of Campisano teach *wherein the at least one server device is adapted to store said mobile device identity information and said authorization data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user’s financial data to complete a transaction ((1) see at least*

Art Unit: 3692

paragraphs [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone), [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, ..."), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits"), [0168] ("[o]nce POS 52 has received the customer's (or his mobile phone) identification details in communication message 56..." of Adam et al.); (2) see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.), since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fierily quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano) and since if a match is made

Art Unit: 3692

between the PIN and fob account the transaction may be allowed to be completed (see at least col. 18, ll. 47-54 of Berardi et al.).

Claim 16 –

As per claim 16, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein each client device is connected to a point of sale terminal. (see at least col. 3, ll. 26-29 (“RFID reader may forward the information to a point of interaction device (e.g. POS or computer interface) for transaction completion”), col. 5, ll. 32-34 of Berardi et al.)*

Claim 17 –

As per claim 17, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above.

Adam et al. further teach:

- *wherein the at least one server device is provided on a networked computing platform in a secure location. (see at least paragraph [0115])*

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include subscribing to the service by merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since the CSC controls the transactions carried out by the customers and merchants subscribed to the service (see at least paragraph [0115] of Adam et al.).

Claim 18 –

As per claim 18, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 17 as described above.

Adam et al. further teach:

- *wherein the second part of the authorisation data is stored by the at least one server device, or can be accessed by it, in fulfilling a service request from the client device(s).*

Adam et al. teach *wherein the second part of the authorisation data is stored by the at least one server device, or can be accessed by it, in fulfilling a service request from the client device(s) (see at least paragraphs [0039] (“server comprises ... a database which merchants’ and customers’ details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, ...”), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] (“the customer’s and merchant’s identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer’s account or his credit limits”) of Adam et al.).* It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer’s balance (see at least paragraph [0130] of Adam et al.).

Claim 19 –

As per claim 19, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above.

Campisano further teach:

Art Unit: 3692

- *wherein the apparatus is further provided with a mapping capability for mapping the first part of the authorisation data to the second part.*

Campisano teach *wherein the apparatus is further provided with a mapping capability for mapping the first part of the authorisation data to the second part* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN as taught by Campisano. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fairly quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Claim 20 –

As per claim 20, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 19 as described above. Campisano further teach:

- *wherein the mapping capability is provided by the at least one server device.*

Campisano teach *wherein the mapping capability is provided by the at least one server device* (see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll.

Art Unit: 3692

26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN as taught by Campisano. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fairly quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Claim 21 –

As per claim 21, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the at least one server device is provided with at least one further client device so that it can initiate a service request to another server device. (see at least col. 3, ll. 26-29 (“RFID reader may forward the information to a point of interaction device (e.g. POS or computer interface) for transaction completion”), col. 5, ll. 32-34 of Berardi et al.)*

Claim 22 –

As per claim 22, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein each input for communicating with one or more mobile devices supports a wireless connection. (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be*

Art Unit: 3692

provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”), col. 3, ll. 7-8 (radio frequency) of Berardi et al.)

Claim 23 –

As per claim 23, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 22 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *wherein the wireless connection has a range of 0.5 meters or less. (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”), col. 3, ll. 7-8 (radio frequency) of Berardi et al.)*

Claim 25 –

As per claim 25, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 14 as described above. Berardi et al. further discloses *a payment apparatus for use in authorised transactions* having the limitations of:

- *further comprising validation means for validating a unique identifier for each mobile device. (see at least col. 18, ll. 38-54 of Berardi et al.)*

16. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) as applied to claim 22 above, further in view of Grunbok, Jr. et al. (US 6305603).

Claim 24 –

Art Unit: 3692

As per claim 24, Berardi et al. in view of Adam et al., Campisano teach the payment apparatus of claim 22 as described above. Berardi et al. in view of Adam et al., Campisano do not explicitly disclose:

- *wherein the wireless connection comprises an infrared connection.*

Grunbok Jr. et al. teach *wherein the wireless connection comprises an infrared connection* (see at least col. 3, ll. 22-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include infrared (IR) as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since infrared (IR) allows for wireless communication between a PDA and a POS (see at least col. 3, ll. 17-25 of Grunbok, Jr. et al.).

17. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Grunbok, Jr. et al. (US 6305603).

Claim 26 –

As per claim 26, Berardi et al. disclose *a payment apparatus for use in authorised transactions* having the limitations of:

- *at least one client device provided with an input for communicating with one or more mobile devices; (see at least Fig. 1A, “RFID reader”; col. 5, ll. 5-9 (“transponder 102 may provide the transponder identification and/or account identification to the RFID reader”); col. 5, ll. 15-16 (communicate via RF communication); col. 5, ll. 16-19 (typical devices may include, for example, a key ring, tag, card, cell phone, wristwatch or any such form...) of Berardi et al.)*
- *... wherein the at least one client device is adapted to receive identity information for a mobile device and a first part of the authorization data via its input from said mobile device and to send said identity information for said mobile device and said first part of the authorization data to the at least one server, ... (see at least*

Art Unit: 3692

col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)

Berardi et al. do not explicitly disclose:

- at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction comprising a transfer of funds between financial accounts and including verification of authorisation data; and*

Adam et al. teach at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction comprising a transfer of funds between financial accounts and including verification of authorisation data (see at least paragraphs [0038], [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administrating server to a plurality of merchant communication units, ..."), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administrating server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in

Art Unit: 3692

the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

Berardi et al. do not explicitly disclose:

- *the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorization data and said identity information for said mobile device, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to support a transaction ...*

Adam in view of Campisano teach *the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorization data and said identity information for said mobile device, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to support a transaction ... ((1) see at least paragraphs [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone), [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administering server to a plurality of merchant communication units, ..."), [0128] (administering server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of*

Art Unit: 3692

the customer's account or his credit limits"), [0168] ("[o]nce POS 52 has received the customer's (or his mobile phone) identification details in communication message 56..." of Adam et al.); (2) see at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.), since it allows for the consumer to provide the PIN corresponding the card he or she wishes to charge the purchase on (see at least col. 4, ll. 6-11 of Campisano) and since the validation process should be fierily quick and will retrieve the credit card linked to the phone number and PIN the card holder provided (see at least col. 2, ll. 32-35 of Campisano).

Berardi et al. do not explicitly disclose:

- *update means for updating data representing a cash amount ...*
- *... comprising a transfer of funds at least on part by updating the data representing a cash amount.*

Grunbok, Jr. et al. teach update means for updating data representing a cash amount; *... comprising a transfer of funds at least on part by updating the data representing a cash amount* (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of

Art Unit: 3692

Berardi et al. to include a user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

Claim 27 –

As per claim 27, Berardi et al. in view of Adam et al., Campisano, Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above.

Grunbok, Jr. et al. further teach:

- *wherein said data representing a cash amount is held, in use, on the one or more mobile devices.*

Grunbok, Jr. et al. teach *wherein said data representing a cash amount is held, in use, on the one or more mobile devices* (see at least col. 6, ll. 20-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include a user access to financial accounts with immediate updated feedback from the financial institutions accessed as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since it allows the user to receive more accurate account information which helps to prevent user overdrafts (see at least col. 6, ll. 31-35 of Grunbok, Jr. et al.).

Claim 28 –

As per claim 28, Berardi et al. in view of Adam et al., Campisano, Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above.

Art Unit: 3692

Adam et al. further teach:

- *wherein said data representing a cash amount is held, in use, on the at least one server device.*

Adam et al. teach *wherein said data representing a cash amount is held, in use, on the at least one server device* (see at least paragraph [0128]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it allows the system to check for any problems or inconsistencies with respect to the merchant and/or the customer identification or the customer's balance (see at least paragraph [0130] of Adam et al.).

18. Claims 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Grunbok, Jr. et al. (US 6305603) as applied to claim 26 above, further in view of Shore and Zingher et al (US 2004/0015450).

Claim 29 –

As per claim 29, Berardi et al. in view of Adam et al., Campisano, Grunbok, Jr. et al., teach the payment apparatus of claim 26 as described above.

Berardi et al., Adam et al., Campisano, Grunbok, Jr. et al., do not explicitly disclose the following limitations:

- *the update means being adapted to respond to a transaction including verification of authorisation data by increasing the cash amount*

Shore teach the update means being adapted to respond to a transaction including verification of authorisation data by increasing the cash amount (see at least Figs. 17a-

Art Unit: 3692

d; paragraphs [0342]-[0346]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include the ability of a user to download ecash as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since the user is prompted to select an amount from a list of pre-set amounts or input an amount which in turn the Financial Service provider verifies that the user has sufficient funds to cover the requested amount before the ecash is downloaded (see at least paragraph [0345] of Shore).

Berardi et al., Adam et al., Campisano, Grunbok, Jr. et al., do not explicitly disclose the following limitations:

- *wherein the payment apparatus is adapted to support one or more unauthorised transactions, the update means being adapted to respond to a transaction including an unauthorised transaction by decreasing the cash amount.*

Zingher et al. teach wherein the payment apparatus is adapted to support one or more unauthorised transactions the update means being adapted to respond to a transaction including an unauthorised transaction by decreasing the cash amount (see at least paragraph [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include a duress transaction by limiting the funds available from a customer's account as taught by Zingher et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al. in this way since by limiting the funds available from customer's account helps to ensure that a criminal does not get away with large sums of money (see at least paragraph [0017] of Zingher et al.).

Art Unit: 3692

19. Claims 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. in view of Adam et al. (US 2002/0181710), Campisano (US 6227447) and Grunbok, Jr. et al. (US 6305603) as applied to claim 26 above, further in view of Shore.

Claim 30 –

As per claim 30, Berardi et al., Adam et al., Campisano, Grunbok, Jr. et al. teach the payment apparatus of claim 26 as described above Berardi et al. further discloses a payment apparatus for use in authorised transactions having the limitations of:

- *wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorising transactions, (see at least col. 18, ll. 39-54 of Berardi et al.)*

Berardi et al., Adam et al., Campisano, Grunbok, Jr. do not explicitly disclose:

- *a user data maintenance process for storing and updating user data in the user data store.*

Shore teach a user data maintenance process for storing and updating user data in the user data store (see at least Figs. 24, 26, 28; paragraphs [0427]-[0429]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Berardi et al. to include user menu to update the persons profile and financial data as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Berardi et al.. in this way since allowing a user to update personal and financial information ensures that the users information is up to date.

20. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (US 2002/0181710) in view of Nguyen (US 2003/0141361).

Claim 31 –

Art Unit: 3692

As per claim 31, Adam et al., at least at Fig. 10, paragraphs [0041], [0175]-[0177]; [0119], [0156], [0168], disclose *a receipting system for use in a purchasing transaction* having the limitations of:

- *an input for receiving transaction information;*
- *a receipt generator for generating a receipt for a notified payment;*
- *an interface to a network for transmitting a generated receipt to a network address,*
- *wherein each transaction has an associated identifier including identity information for a mobile device and*

Adam et al. do not explicitly disclose the following limitations:

- *a data store for storing network addresses;*
- *the data store stores network addresses in association with transaction identifiers such that each generated receipt can be transmitted to a network address associated with the transaction giving rise to the generated receipt.*

Adam et al. in view of Nguyen et al. teach ; *the data store stores network addresses in association with transaction identifiers such that each generated receipt can be transmitted to a network address associated with the transaction giving rise to the generated receipt* ((1) see at least paragraph [0177] of Adam et al. (“after the completion of the transaction an additional message may be communicated to the customer’s mobile phone providing him with a storable proof of purchase...”); see at least Figs. 3-4, paragraph [0018] (“transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...”, “associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...” of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Adam et al. to include proof of purchase to a customer mobile phone as taught by Adam et al. and a

Art Unit: 3692

database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Adam et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction occurs it delivers such information to the owner's mobile device (see at least paragraph [0006] of Nguyen et al.).

Claim 32 –

As per claim 32, Adam et al. in view of Nguyen teach the receipting system of claim 31 as described above. Adam et al., at least at paragraphs [0126]-[0129], [0131], further discloses *a receipting system for use in a purchasing transaction* having the limitations of:

- *wherein at least one identifier associated with a transaction comprises or represents a personal identification number.*

Claim 33 –

As per claim 33, Adam et al. in view of Nguyen teach the receipting system of claim 31 as described above.

Nguyen et al. further teach:

- wherein the data store is adapted to store one or more sets of user-specific data for use in authorising transactions, (see at least Figs. 3-4, paragraph [0018] (“transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...”, “associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...”)) of Nguyen et al.)
- a user data maintenance process for storing and updating user data in the user data store, said network addresses being stored as user-specific data. (see at

Art Unit: 3692

least paragraph [0018] (“temporary mobile device address is another data attribute” of Nguyen)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Adam et al. to include a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Adam et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction occurs it delivers such information to the owner’s mobile device (see at least paragraph [0006] of Nguyen et al.).

21.Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grunbok, Jr. et al. (US 6305603) in view of Nguyen et al.

Claim 34 –

As per claim 34, Grunbok et al. disclose *a payment system for use in user transactions, each transaction giving rise to a price list for goods or services covered by the transaction, wherein each user has at least one associated identifier including identity information for a mobile device of said user, the payment system having the limitations of:*

- *a price list processor for processing a price list arising from a transaction, (see at least col. 6, ll. 20-31 of Grunbok).*
- *wherein the system further comprises an input for receiving identifiers and the price list processor is adapted to process a price list arising from a transaction by applying user specific data from the data store, the user specific data being associated with an identifier received in relation to said transaction. (see at least col. 6, ll. 20-31 of Grunbok).*

Art Unit: 3692

Grunbok does not explicitly disclose:

- *a data store for storing user specific data in association with at least one of said identifiers;*

Nguyen et al. teach *a data store for storing user specific data in association with at least one of said identifiers* (see at least Figs. 3-4, paragraph [0018] (“transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...”, “associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...”) of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Grunbok to include a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Grunbok in this way since when a financial transaction occurs it delivers such information to the owner’s mobile device (see at least paragraph [0006] of Nguyen et al.).

22. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grunbok, Jr. et al. (US 6305603) in view of Nguyen et al. as applied to claim 34 above, further in view of Shore.

Claim 35 –

As per claim 35, Grunbok in view of Nguyen teach the payment system of claim 34 as described above. Grunbok in view of Nguyen do not explicitly disclose the following limitations:

- *wherein at least one user has at least two associated identifiers and the data store, in use, stores different user specific data in association with each respective identifier associated with said at least one user.*

Art Unit: 3692

Shore teach wherein at least one user has at least two associated identifiers and the data store, in use, stores different user specific data in association with each respective identifier associated with said at least one user (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the payment apparatus of Grunbok to include one of several credit or bank accounts, or electronic cash as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the payment apparatus of Grunbok in this way since this allows a user to chose from one of several accounts (see at least paragraph [0063] of Shore).

23.Claim 37 is rejected under 35 U.S.C. 102(e) as being unpatentable over Berardi et al. in view of Adam et al. and Nguyen.

Claim 37 –

As per claim 37, Berardi et al. disclose *a method of providing a receipt in respect of a transaction* having the limitations of:

- *receiving transaction information from a communication device ...; (see at least col. 5, ll. 6-7 (“transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104”); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader”, “the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account”) of Berardi et al.)*
- *making a transaction in respect of goods or services; (see at least col. 18, ll. 9-54 of Berardi et al.)*

Berardi et al. do not explicitly disclose:

- *... having an address in a public network*
- *generating a receipt in respect of the transaction;*

Adam et al. in view of Nguyen et al. teach ... *having an address in a public network; generating a receipt in respect of the transaction* ((1) see at least paragraph [0177] of Adam et al. (“after the completion of the transaction an additional message may be communicated to the customer’s mobile phone providing him with a storable proof of purchase...”); see at least Figs. 3-4, paragraph [0018] (“transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...”, “associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...” of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include proof of purchase to a customer mobile phone as taught by Adam et al. and a database that associates customer financial accounts with mobile device addresses as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it provides the customer with proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since when a financial transaction occurs it delivers such information to the owner’s mobile device (see at least paragraph [0006] of Nguyen et al.).

Berardi et al. do not explicitly disclose:

- *transmitting the generated receipt to a communication device having a different address in a public network.*

Nguyen et al. teach *transmitting the generated receipt to a communication device having a different address in a public network* (see at least paragraph [0018] (“temporary mobile device address” of Nguyen et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include temporary mobile device address as taught by Nguyen et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the apparatus of Berardi et al. in this way since it provides the customer with

Art Unit: 3692

proof of purchase for future reference at the customers mobile device (see at least paragraph [0177] of Adam et al.) and since the temporary mobile device address temporarily overrides the pre-registered mobile device address (see at least paragraph [0006] of Nguyen et al.).

Response to Arguments

24. Applicant's arguments, see Response, filed 29 February 2009, with respect to authorization data as claimed have been fully considered and are persuasive. The rejections set for in the Office Action dated have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of claims 1-14 and 16-45.

25. The Examiner however maintains that Adam et al. disclose mobile device entity.

- a. During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). Furthermore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Please note that "mobile device identity information" does not have an explicit definition in the specification and therefore, limitations from the specification can not be read into the claims. As such, the Examiner maintains that Adams et al. discloses the claimed "mobile device identity information". The Examiner notes paragraph [0018] of Applicants published specification recites "Preferably, the mobile device itself has a unique identifier, such as a telephone number, associated with it.". Please note that this is not an explicit definition and that this definition is open-ended. The Examiner further notes that the specification does not appear to disclose SIM card as argued by Applicants.

Art Unit: 3692

- b. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., mobile device identity is described as being the mobile telephone number, SIM card) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Independent claims 1, 14, 22, 31, 34, 36-37 do not further limit the "mobile device identification information" be the telephone number/SIM card. Moreover it is respectfully pointed out that Adam et al. disclose SIM card which contains a unique identification (such as the phone number of the phone) at least at paragraphs [0119], [0156]. Please further note paragraph [0168] of Adam et al. recite "Once POS 52 has received the customer's (or his mobile phone) identification details in communication message 56...". Please also refer to at least paragraphs [0015], [0022]-[0023], [0028], [0030], [0039], [0056], [0066], etc. of Adam et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

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